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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,016	03/23/2004	Urbain Alfred von der Embse		2006

7590 02/21/2008
Urbain A. von der Embse
7323 W. 85th St.
Westchester, CA 90045-2444

EXAMINER

KING, SONIA J

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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02/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,016

Applicant(s)

VON DER EMBSE, URBAIN
ALFRED

Examiner

Sonia J. King

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/23/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2 and 3 rejected under 35 U.S.C. 101 because these claims are directed toward an algorithm and not directed towards statutory subject matter. By definition a wavelet is a kind of *mathematical function* used to divide a given function into different frequency components, and thus an algorithm. If the “acts” of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter.

Claim Objections

2. Claims 1, 2 and 3 objected to because of the following informalities:

These claims are improper because they recite providing “*a means for*” and “*the design*”. Claims need to fall into one of the four statutory categories, or some form that is a method, process, apparatus or system. Appropriate correction is required.

3. Claims 1, 2 and 3 objected to because of the following informalities:

These claims have little or no punctuation. Appropriate correction is required.

Drawings

4. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because The abstract is too long as 175 words is well over the 150 word limit and should be only one paragraph, not two. Also, the abstract cannot use legal language such as

"means for" in describing or summarizing the invention. Correction is required.

See MPEP § 608.01(b).

Specification

7. The disclosure is objected to because of the following informalities:
8. The word *"shaded"*, (Page 36 lines 9 and 11, also Page 40 lines 1, 4 and 5) should be removed since no shaded box appears in Figures 6, 7, 8 or 9.
9. All acronyms should be clearly defined the first time they are used, for example: ACI, ISI, FWT, and FCT, are not defined.
10. Misspelled words need correction such as: Page 8 line 31- *"channelization"*, Page 11 line 2 *"imbalances"* should be *"imbalance"*, Page 20 line 5- *"equations"*, Page 35 line 6- *"multiply"* should be *"multiple"*, Page 40 line 26 *"implementes"* should be *"implement"*.
11. Missing or improper pronunciation needs correction, such as: Page 10 line 5 after the word *"OFDMA"* there should be a semicolon, Page 15 line 4 the *"i"* is missing a quote mark, Page 24 line 6 the period is missing after the word *"rate"*.
12. –Each line cited below has double, triple or missing space errors:
 - a. Page 5 lines 8, 9, 17
 - b. Page 6 line 20
 - c. Pages 7 line 8
 - d. Page 8 lines 17, 18
 - e. Page 9 line 8, 21

- f. Page 10 lines 4, 8, 11, 19, 21, 34
- g. Page 11 lines 8, 15, 16, 20, 22, 23, 24, 26, 34
- h. Page 13 lines 2, 3, 10, 14, 15, 16, 18, 19, 20, 24, 25, 26, 27, 28, 30
- i. Page 14 lines 2, 8, 10, 11, 12, 13, 16, 18, 23
- j. Page 15 lines 2, 3, 8
- k. Page 16 lines 17, 18, 23, 27, 29, 30, 34
- l. Page 17 lines 9, 11, 17, 27, 30
- m. Page 18 line 2
- n. Page 19 lines 1, 4, 5, 8, 9, 14, 18, 20, 22, 26, 27, 31, 32, 33, 34
- o. Page 20 lines 6, 7, 9, 16, 17, 22, 23, 24
- p. Page 21 lines 20, 21, 22, 24, 26, 27, 28, 29, 32, 33
- q. Page 22 lines 4, 5, 6, 8, 9, 10, 12, 14, 16, 18, 19, 22, 26, 32, 33
- r. Page 23 lines 3, 6, 8, 13, 14, 15, 21, 26, 27
- s. Page 24 lines 4, 6, 7, 8, 11, 17
- t. Page 26 lines 14, 19, 22, 23
- u. Page 28 lines 6, 8, 11, 15, 17
- v. Page 30 lines 14, 15, 26, 28, 32, 33
- w. Page 31 lines 27, 28
- x. Page 32 line 2
- y. Page 35 lines 2, 4, 6, 7, 9, 10, 11, 12, 17, 19, 20, 21, 22, 27
- z. Page 36 lines 4, 11, 13, 14, 15, 24, 28, 29
- aa. Page 37 lines 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14
- bb. Page 39 lines 10, 17, 22, 25, 27, 28, 29

cc. Page 40 line 5, 6, 7, 9, 17, 19, 28, 30, 31, 32, 33

dd. Page 41 lines 1, 14, 16, 19, 20, 23 , 29

Appropriate correction is required.


MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER